**REMARKS**

The Examiner is thanked for the due consideration given the application. The specification has been amended to improve the language.

Claims 1, 4-13 and 21-23 are pending in the application. Claims 2 and 3 have been canceled and their subject matter has been generally incorporated into claim 1. Claim 1 has been further amended to improve the language, and the amendments to claim 1 find additional support at pages 10-11 of the specification. Claim 21 has been amended to reflect the amendments to claim 1. Other claim amendments improve the language in a non-narrowing fashion. Claim 23 is new and sets forth limitations found in the previous claims.

No new matter is believed to be added to the application by this amendment.

**Rejection Under 35 USC §112, Second Paragraph**

Claims 1-13 and 21-22 have been rejected under 35 USC §112, second paragraph as being indefinite. This rejection is respectfully traversed.

The Office Action asserts that the term "capable of" is unclear. However, the amended claims do not utilize this phrase.

The Office Action asserts that the term "it" is unclear. However, the amended claims do not utilize this phrase.

The claims have been further amended, in light of the comments in the Office Action, to be clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

**Rejections Based On Muller**

Claims 1, 4, 6, 12 and 21-22 have been rejected under 35 USC §102(b) as being anticipated by Muller (U.S. Patent 6,249,727).

Claims 2, 3, 5, 7 and 8 have been rejected under 35 USC §103(a) as being unpatentable over Muller.

Claims 9-11 and 13 have been rejected under 35 USC §103(a) as being unpatentable over Muller in view of Gormley (U.S. Patent 5,513,107).

These rejections are respectfully traversed.

The present invention pertains to vehicle control system for a motor vehicle, i.e., an automobile, that can operate in different modes. An automobile according to the present invention is illustrated, by way of example, in Figure 1 of the application, which is reproduced below.

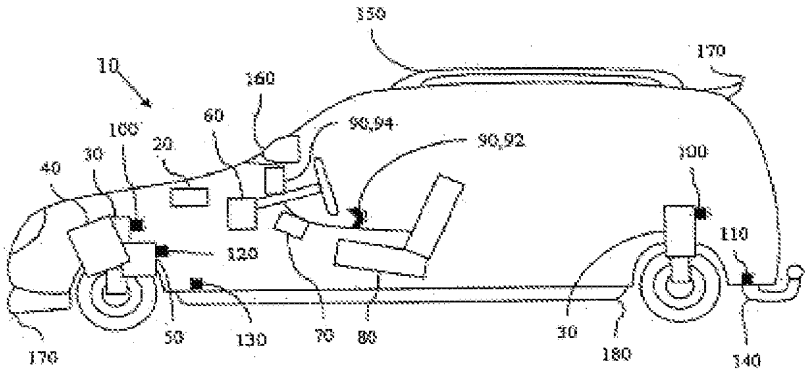
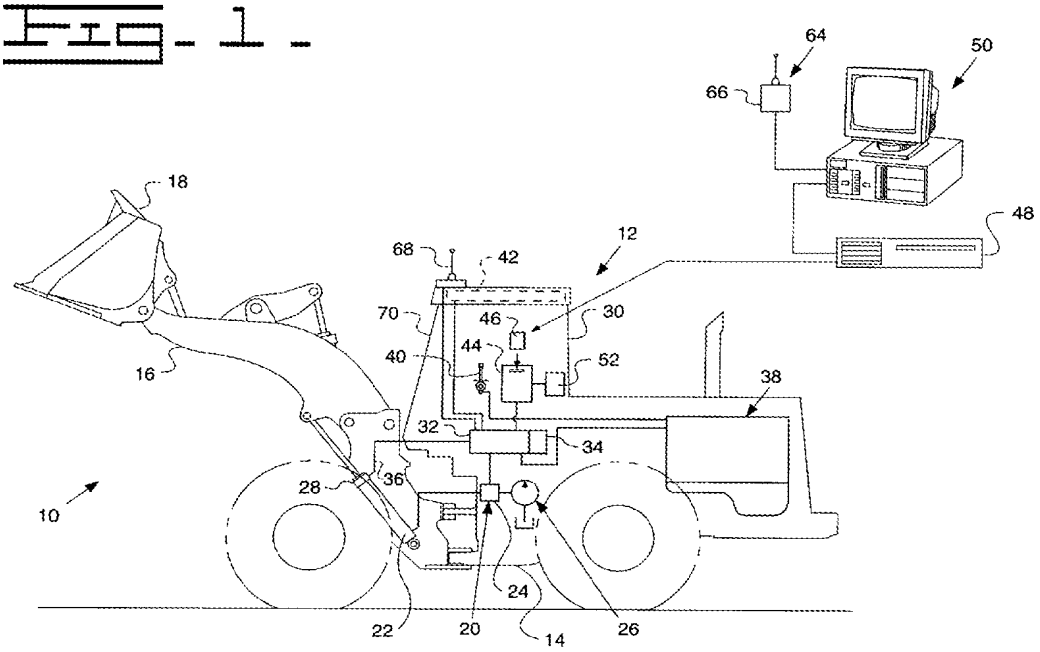



Fig. 1

Figure 1 shows a driver interface 90 and a central control unit (20) for controlling motor vehicle subsystems (30-80) according to at least two preset vehicle operating modes. As is set forth in claim 1, these modes can be *"a leisure mode, an economy mode, a sport mode, an off-road mode, a heavy-load mode, a zero emission mode or a parking mode."* The invention also includes sensors (100-130) for registering current operating conditions, such that the: *"sensors including at least one load sensor (100) and at least one towing sensor (110), wherein the central control unit (20) is arranged to limit access to at least one of the preset operating modes in response to an output value from at least one sensor of the plurality of sensors (100-130)."*

Muller pertains to customizing and limiting operation of machine subsystems for construction equipment. As can be clearly seen in Figure 1 of Muller, reproduced below, Muller's machine is a wheel loader that is interfaced to a PC.

Fig. 1




The Office Action refers to column 3, lines 39-67 of Muller, which teach a hydraulic sensor 28 and an electronic controller 32 that includes a data storage device 34.

The Office Action refers to column 4, lines 10-67 and asserts that this passage refers to operating modes. This passage teaches using a data card 46 containing operational information. Column 4, lines 26-39 teaches:

> *The preferred operating information can include selected values for a travel limit of an element of one of the subsystems, such as bucket 18 of hydraulic subsystem 20, and/or operational limits such as upper and/or lower limits for operation of engine subsystem 38, and/or comfort subsystem 42, and/or an overall travel speed limit for machine 10 as controlled by engine subsystem 38 either alone or in combination with another subsystem such as a drive train or brake*

*subsystem also located on machine 10. As more concrete examples, an upper limit for revolutions per minute (RPM) of an engine of engine subsystem 38 may be established or a maximum travel speed for machine 10, or an upper temperature limit for the interior of operator cab 30, all controlled by the data contained on card 46.*

However, this passage of Muller does not teach multi-use operating modes such as *"a leisure mode, an economy mode, a sport mode, an off-road mode, a heavy-load mode, a zero emission mode or a parking mode,"* such as is set forth in claim 1 of the present invention. Indeed, the loader of Muller basically has only one mode, which is for construction work.

In contrast, the present invention is directed to a motor vehicle that can be an automobile with a wide range of modes including leisure and sport modes, which do not pertain to the loader of Muller.

In discussing claims 2, 3 and 5 the Office Action asserts that towing and tilting sensors (and a towing hook) are well known in the art. However, there is no teaching or inference in Muller of how sensors of this type can be used as a part of a vehicle control system having the claimed preset operating modes of the present invention.

The Office Action turns to column 2, lines 9-41 of Gormley to address the deficiencies of Muller in disclosing modes. For example, column 2, lines 19-22 of Gormley state: *"For*

*example, the vehicle can be selected to provide sport performance, cruise performance, luxury performance, off-road performance or a like mode of performance."*

However, these are performance parameters for an automobile (see Figure 1 of Gormley) which cannot be applied to a piece of heavy equipment such as the loader of Muller (luxury performance?).

A person with knowledge of Muller and Gormley would thus not produce a claimed embodiment of the present invention, especially in regards to towing (which is an important aspect of the present invention). Indeed, there is no disclosure of towing with a tow hook (especially one that is electrically foldable) in either of the references.

Muller thus does not anticipate or infer a claimed embodiment of the present invention. One of ordinary skill in the art would thus not produce a claimed embodiment of the present invention from a knowledge of Muller and Gormley. A *prima facie* case of unpatentability has thus not been made.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

**Conclusion**

The Examiner is thanked for considering the Information Disclosure Statement filed July 9, 2004 and for making the references therein of record in the application.

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The rejections are believed to have been overcome, obviated or rendered moot. No issues remain. The issuance of a Notice of Allowability is accordingly respectfully solicited.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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